Before the
Federal Communications Commission
Washington, D.C. 20554

PR Docket No. 92-164

In the Matter of

Amendment of Part 80 of the Commission's Rules Concerning Class C Emergency Position Indicating Radio Beacons. RM-7838

NOTICE OF PROPOSED RULE MAKING

Adopted: July 22, 1992; Released: August 10, 1992

Comment Date: September 21, 1992
Reply Comment Date: October 6, 1992

By the Commission:

I. INTRODUCTION

1. This *Notice of Proposed Rule Making* (*Notice*) proposes to amend Part 80 of our Rules, 47 C.F.R. Part 80, to phase out the use of Class C Emergency Position Indicating Radio Beacons (EPIRBs) after February 1, 1999. This *Notice* was initiated by a petition for rule making from the United States Coast Guard (Coast Guard).[1]

II. BACKGROUND

2. EPIRBs are small, battery powered transmitters carried on ships for the purpose of sending a distress signal. The distress signal is used both as an alarm to alert others that a ship is in distress and as a beacon to aid in its location by search and rescue (SAR) personnel. EPIRBs may be activated automatically or manually. There are two general classes of EPIRBs, those primarily intended to be detected by satellite (satellite EPIRBs)[2] and those intended to be detected by nearby ship or coast stations (Class C EPIRBs). Satellite EPIRBs are used in conjunction with the COSPAS-SARSAT system of polar orbiting satellites that employ dedicated receivers to detect distress signals.[3] These satellites relay the EPIRB's distress signal and calculated position to SAR personnel. Class C EPIRB distress signals, however, are transmitted alternately on channels the COSPAS-SARSAT system does not receive. The distress signal is transmitted for a short period on marine VHF channel 16 for alerting, and a long period on marine VHF channel 15 to allow SAR personnel to "home in" on the signal.[4] Further, because Class C EPIRBs transmit at very low power, the effective range of the distress signal is limited, and ships in distress must rely on nearby stations to detect and respond to Class C EPIRBs' signals.

3. Both the Coast Guard and the Commission require certain vessels to carry EPIRBs for safety purposes. The Coast Guard, for example, requires all ocean going cargo ships and passenger ships certified for ocean service or coastwise service more than 20 miles from a harbor to carry a satellite EPIRB. The Coast Guard also requires certain vessels certified for Great Lakes service to carry one or sometimes two Class C EPIRBs.[5] The Coast Guard, however, will accept one 406 EPIRB as equivalent to two Class C EPIRBs. The Commission recently adopted regulations implementing the Global Maritime Distress and Safety System (GMDSS) which will require all passenger ships and all large cargo ships on international voyages to install a 406 EPIRB by August 1, 1993.[6] Under the Commission's Rules, recreational boats and small commercial vessels are not required to carry an EPIRB but may be authorized to equip with either a satellite EPIRB or Class C EPIRB.

III. DISCUSSION

4. In its petition, the Coast Guard requests that the Commission eliminate authorization of Class C EPIRBs by February 1, 1999.[7] The Coast Guard points out that the GMDSS, which will be mandatory in 1999, changes the mandatory watch requirement for vessels from marine VHF channel 16 to an automated watch on Digital Selective Calling (DSC) Channel 70 (156.525 MHz).[8] In conjunction with this change the Coast Guard states that it intends to discontinue its aural watch on VHF Channel 16 in 1999. [9] These changes, according to the Coast Guard, will dramatically reduce the effectiveness and need for Class C EPIRBs in SAR operations. The Coast Guard favors allowing only satellite EPIRBs which it claims are widely used and much more effective in SAR incidents than EPIRBs that rely on nearby stations. The Coast Guard contends that informing the maritime community now that the Commission intends to eliminate authorization of Class C EPIRBs by February 1, 1999, will allow for

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[1] RM-7838, Report 1866, October 28, 1991.

[2] We are using the term satellite EPIRB in this *Notice* to include all categories of EPIRBs capable of being detected by satellite. Additionaly, the term "406 EPIRB" refers to EPIRBs that operate on the frequency 406.025 MHz. *See* 47 C.F.R. §§ 80.1053, 80.1055, 80.1059 and 80.1061.

[3] COSPAS-SARSAT is a joint international satellite-based search and rescue system established by Canada, France, the USSR, and the United States to detect and locate emergency radiobeacons (EPIRBs) transmitting on 121.5 MHz or 406.025 MHz. The U.S. satellites in this system also monitor 243.0 MHz.

[4] Marine VHF channel 16 is the international safety, distress and calling channel. Marine VHF channel 15 is used for environmental transmissions and Class C EPIRB distress transmissions.

[5] *See* U.S. Coast Guard Navigation and Vessel Inspection Circular No. 9-91, May 31, 1991.

[6] The GMDSS is an automated ship-to-shore distress alerting system that relies on satellite and advanced terrestrial systems. The GMDSS regulations apply to cargo ships of 300 tons gross tonnage and over on international voyages or in the open sea, and to ships carrying twelve passengers or more irrespective of size on international voyages or in the open sea. These ships are termed "compulsory ships." *See Report and Order*, PR Docket 90-480, 7 FCC Rcd 951 (1992).

[7] Implementation of the GMDSS commenced on February 1, 1992. The system is scheduled to be fully implemented by February 1, 1999.

[8] There is no VHF channel 15 watch requirement.

[9] Coast Guard petition at 1.

amortization of existing Class C EPIRBs and provide sufficient time for the marine public to obtain another type of EPIRB prior to the full implementation of the GMDSS.[10]

5. By February 1, 1999, all passenger and large cargo ships must comply with the automated watch on DSC channel 70 requirement thus reducing the number of stations required to monitor channel 16. Further, the Coast Guard indicates that it intends to discontinue its watch on marine channel 16 at that time. We believe that the Coast Guard is correct in its assessment that Class C EPIRBs will become ineffective for safety purposes once these changes are implemented. Further, the Coast Guard is currently recommending that ships use satellite EPIRBs in place of Class C EPIRBs. We are proposing, therefore, to phase out the use of Class C EPIRBs. Our intent is to promote the safety of life and property at sea and to minimize the differences between Commission and Coast Guard requirements.

6. We do not believe this proposal will have a significant impact on the maritime community because there are currently only two manufacturers of Class C EPIRBs and relatively few users. Nevertheless, to allow for the amortization of manufacturers' existing stock of Class C EPIRBs, we are proposing rules that would permit the manufacture, importation, sale, and installation of Class C EPIRBs until February 1, 1995. Additionally, to provide sufficient time for current users to obtain other EPIRBs, we propose to grandfather the use of Class C EPIRBs until February 1, 1999. Although this proposed schedule should provide for an orderly transition to other types of EPIRBs, we specifically request comments on whether there are other circumstances which the Commission should consider in determining whether to phase out the use of Class C EPIRBs.

IV. PROCEDURAL MATTERS

Ex Parte Rules-Non-Restricted Proceeding

7. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

Regulatory Flexibility Act

8. The Commission hereby certifies pursuant to Section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities. There are only two manufacturers of Class C EPIRBs and these devices currently are not widely marketed or used in the maritime community. The Secretary shall send a copy of this *Notice,* including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. §§ 601-612 (1981).

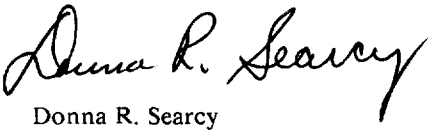
Comment Dates

9. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules (47 C.F.R. §§ 1.415 and 1.419) interested parties may file comments on or before **September 21, 1992** and reply comments on or before **October 6, 1992.** All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive personal copy of their comments, an original and nine copies must be filed. Comments and rely comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

10. Authority for issuance of this *Notice* is contained in Sections 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r).

11. For further information concerning this docket contact Roger Noel, Aviation & Marine Branch, Private Radio Bureau, (202) 632-7175.

FEDERAL COMMUNICATIONS COMMISSION



Donna R. Searcy
Secretary

APPENDIX

Proposed Rules

Part 80 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

A. PART 80 - STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609, 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.15 is amended by revising paragraph (e)(1) as follows:

§ 80.15 Eligibility for station license.

[10] *Id.*

* * * * *

(e) EPIRB stations. (1) New class C EPIRB stations will not be authorized after February 1, 1995. Class C EPIRB stations installed and licensed before February 1, 1995, will be authorized until February 1, 1999:

(i) * * *

* * * * *

3. Section 80.205 is amended by adding a new Footnote 13 to the "G3N" entry in the table in paragraph (a) to read as follows:

80.205 Bandwidths

(a) * * *

G3N[3,13].....

* * * * *

[13] Class C EPIRB stations will not be authorized after February 1, 1999.

* * * * *

4. Section 80.207 is amended by adding a new Footnote 13 to the "156.750 and 156.800 MHz" entry in the table in paragraph (d) to read as follows:

80.207 Classes of emission

* * * * *

(d) * * *

156.750 and 156.800 MHz[13]

* * * * *

[13] Class C EPIRB stations will not be authorized after February 1, 1999.

5. Section 80.209 is amended by adding a new Footnote 6 to the "Operating on 156.750 and 156.800 MHz" entry in the table in paragraph (a) to read as follows:

80.209 Transmitter frequency tolerance

(a) * * *

(5) * * *

(iv) * * *

Operating on
156.750 and
156.800 MHz[6]

* * * * *

6 Class C EPIRB stations will not be authorized after February 1, 1999.

6. Section 80.1057 is revised by adding an initial paragraph as follows:

80.1057 Special requirements for Class C EPIRB stations

Class C EPIRBs shall not be manufactured, imported, or sold in the United States after February 1, 1995. Class C EPIRB stations installed on board vessels before February 1, 1995, will be authorized until February 1, 1999.

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